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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,975	01/15/2004	Pawel Z. Chadzynski	20768/2012	4258
29934	7590	06/06/2007		
PALMER & DODGE, LLP RICHARD B. SMITH 111 HUNTINGTON AVENUE BOSTON, MA 02199			EXAMINER WOOD, WILLIAM H	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/757,975	Applicant(s) CHADZYNSKI, PAWEL Z.	
	Examiner William H. Wood	Art Unit 2193	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-25 are pending and have been examined.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 07 April 2004 has been considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a "computerized system" which under reasonable interpretation may simply be software *per se*. The system does not include hardware.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-25 are rejected under 35 U.S.C. 102(a) as being anticipated by **Notani** et al. (USPN 6,567,783 B1).

Claim 1

**Notani** disclosed a computerized method for collaborating over a network to manipulate a design using a plurality of heterogeneous user applications running on respective clients connected to the network (*column 1, lines 50-55*), said method comprising the steps of:

connecting a session client process to a session manager over the network to participate in a collaborative session (*figure 14, column 15, lines 17-33*);

sharing session control messages with other session client processes connected to said session manager (*figure 14, column 15, lines 17-33*);

loading design data representing said design into a local application running on said client (*figure 14, column 15, lines 17-33*);

creating at least one application state file representing at least one application state of said local application based on at least one manipulation of said design using said local application (*figure 14, column 15, lines 17-33*);

communicating said at least one application state file from said session client process to said other session client processes via said session manager (*figure 14, column 15, lines 17-33*); and

loading at least one application state file created by other local applications and communicated from said other session clients via said session manager (*figure 14, column 15, lines 17-33*).

Claim 2

**Notani** disclosed the method of claim 1 wherein said at least one application state is encoded using normalized XML structures to create said at least one application state file, and wherein said at least one application state file is communicated as an XML message (*column 3, line 55; and column 7, lines 47-49*).

Claim 3

**Notani** disclosed the method of claim 2 wherein said XML structures are based on domain specific conventions defined in the context of the type of design data (*column 3, lines 44-45*).

Claim 4

**Notani** disclosed the method of claim 1 further comprising saving said session controls and said at least one application state file in a journal file (*column 14, lines 39-42; figure 14*).

Claim 5

**Notani** disclosed the method of claim 1 further comprising the step of scheduling said collaborative session (*column 14, lines 39-42*).

Claim 6

**Notani** disclosed the method of claim 1 further comprising the step of conducting a text-based conversation with said other session clients (*column 14, lines 39-42*).

Claim 7

**Notani** disclosed the method of claim 1 further comprising the steps of logging in to said collaborative session and logging out of said collaborative session (*column 14, lines 39-42*).

Claim 8

**Notani** disclosed the method of claim 1 further comprising the step of controlling the loading of said application state file at a time selected by the user (*column 14, lines 39-42*).

Claim 9

**Notani** disclosed the method of claim 1 further comprising the step of displaying design manipulations corresponding to said application state file

created and communicated by said other application files (*figures 10 and 11*).

Claim 10

**Notani** disclosed the method of claim 1 wherein said design is manipulated without having to transmit design images between said heterogeneous applications (*column 3, line 55, using these standards*).

Claim 12

**Notani** disclosed the computerized method of claim 11 wherein said method is an asynchronous method of collaboration (*column 6, line 22*).

Claim 13

**Notani** disclosed the computerized method of claim 11 wherein said journal file provides interactive instructions when played back on said another computer (*figure 14*).

Claim 15

**Notani** disclosed the computerized method of claim 14 wherein the step of manipulating said design includes highlighting said design object, and wherein said other of said applications highlights said corresponding design object upon reading said application state file (*column 11, lines 62-65*).

Claim 16

**Notani** disclosed the computerized method of claim 14 wherein said heterogeneous applications collaborate bi-directionally (*figure 14, element 212*).

Claims 11, 14 and 17-25

Claims 11, 14 and 17-25 correspond to claims 1-10 and are rejected in a corresponding manner.

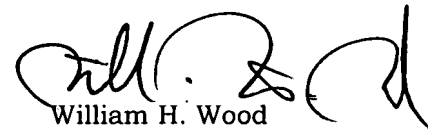
**Correspondence Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
William H. Wood  
Patent Examiner  
AU 2193  
June 4, 2007